

EX PARTE OR LATE FILED

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March 27, 1997

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Federal Communications Commission  
Office of Secretary

Mr. William F. Caton, Acting Secretary  
Federal Communications Commission  
Washington, D.C. 20554

In re: CC Docket 94-102  
Written Ex Parte Presentation

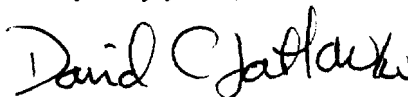
Dear Mr. Caton:

Pursuant to the provisions of Section 1.1206 of the Commission's rules, this letter will serve to advise you that the attached document is being submitted as written ex parte material with respect to the above-referenced proceeding.

Two copies of the attached material are being submitted herein. A copy is also being transmitted to Michele Farquhar.

Should there be any questions with regard to this matter, kindly communicate directly with the undersigned.

Very truly yours,



David C. Jatlow  
Counsel for XYPOINT Corporation

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March 27, 1997

Ms. Michele Farquhar, Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
Washington, D.C. 20554

In re: CC Docket 94-102  
Written Ex Parte Comment

Dear Ms Farquhar:

XYPOINT Corporation ("XYPOINT") commends the Commission for its action in adopting rules in the *Report & Order* in CC Docket 94-102. Establishment of rules to implement wireless 911 services and E911 services is clearly in the public interest. Indeed, in comments filed in the *Notice of Proposed Rulemaking* in this matter virtually all parties to the proceeding (wireless carriers, manufacturers, PSAPs and the Public Safety community) supported the basic concept that provision of wireless 911 and E911 services was a laudable goal. The Consensus Agreement submitted to the Commission by representatives of the wireless industry and Public Safety community further demonstrated an industry-wide commitment to promote wireless 911 and E911 service.

Despite the fact that numerous petitions were filed asking the Commission to reconsider certain aspects of the decision, virtually no party filing for reconsideration requested that the Phase I requirements set forth in Sections 20.18(d) and (f) should be eliminated or delayed. Thus, there is ample record evidence in this proceeding supporting the Commission's conclusion that the rapid deployment and implementation of wireless E911 services will serve the public interest, convenience and necessity.

Notwithstanding the foregoing, XYPOINT, a company that is presently capable of meeting Phase I requirements nationwide (and Phase II requirements where a partnership exists between XYPOINT and a location-tracking provider) for wireless carriers and those PSAPs that have the capability of providing enhanced wireline 911 service, has been actively involved in the marketplace since the Commission's *Report & Order* has been released. It has discussed, and is familiar with, concerns expressed by wireless carriers and PSAPs relative to implementation of Phase I requirements.

In addition, XYPOINT has a dynamic database of nearly all 7,000-plus PSAPs nationwide with the information required to implement wireless E911 services. XYPOINT also has actively monitored state activities with respect to legislation related to cost recovery mechanisms and indemnification for wireless E911 service. Based on its experience, XYPOINT believes there is significant confusion in the marketplace about the requirements for providing wireless E911 services.

Covered carriers must begin to implement Phase I wireless E911 in a few months. Confusion on the part of carriers and PSAPs about the Commission's Phase I requirements has created an environment which could call into question the implementation schedule for Phase I requirements. With certain minor changes to Section 20.18 and clarifications of the text of the *Report & Order*, the Commission can fulfill its goal "...that rigorous enhancement criteria [for wireless E911 services] be established, that firm dates for implementation [of wireless E911 services] be set, and that reasonable cost recovery mechanisms be encouraged as a means of ensuring that implementation goals [for wireless E911 services] can be achieved."<sup>1</sup>

The following minor changes to the rules and/or clarifications to the text of the *Report & Order* will enable wireless carriers and PSAPs to provide Phase I services in a timely manner.

#### **I. Transmission of Wireless 911 Calls from Non Code Identified Handsets.**

Amend Section 20.18 by deleting section (b) in its entirety.

Rationale: No useful information is transmitted from a non-Code-Identified handset to a PSAP. Licensees subject to Section 20.18 will expend substantial technical and other resources trying to pass such calls to PSAPs without any corresponding public benefit. Information about technical limitations associated with the inability to use non-Code Identified wireless phones to place 911 calls should be included in information placed in the packaging of wireless phones.

#### **II. Clarify Licensees' Responsibility to Deliver Wireless E911 Service Elements and Endorse Technology Neutral Solutions for Wireless E911**

Amend Section 20.18(d) as follows:

(d) As of April 1, 1998, licensees subject to this section must relay to equipment at the Public Safety Answering Point, the telephone number of the originator of a 911 call and the location of the cell site or base station receiving a 911 call from any Code Identified mobile handset or text telephone device accessing their systems, to

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<sup>1</sup> *Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, para. 2, \_\_\_ Rcd \_\_\_ (released July 26, 1996) ("Report & Order").

~~the designated Public Safety Answering Point through the use of Pseudo Automatic Number Identification and Automatic Number Identification without the Public Safety Answering Point having to incur significant expense for special equipment or undertake extraordinary actions. Licensees shall not be restricted or prohibited from using any technology or service delivery method to comply with the provisions of this section.~~

Rationale: Language is added to make it clear that (1) licensees subject to the Phase I rules have an affirmative obligation to deliver Automatic Number Information (“ANI”) and Pseudo Automatic Number Information (“P-ANI”) in a useful and practical format to the premises of the PSAP and (2) that the PSAP does not have an obligation to expend substantial funds or take extraordinary actions to utilize the data. These changes provide more explicit direction on what obligations are being imposed on licensees subject to the rules. The language also ensures PSAPs that they will not have to make major modifications to their facilities or expend substantial funds if they request Phase I services, especially since some Phase I solutions do not require such actions to be taken by PSAPs. Taken together, the proposed rule changes will create an incentive for PSAPs to make requests for the services, thus expediting the deployment of Phase I wireless E911 services.

The new sentence proposed to be added at the end of Section 20.18(d) also acknowledges that there may be multiple systems capable of providing Phase I wireless services. It is intended to reinforce the concept that the Commission’s rules are not intended to favor one technology over another. This is consistent with the Commission’s statements in paragraph 73 of the *Report & Order* that it does not want to micromanage the process of developing technical standards for wireless E911. It is also consistent with the Commission’s general policy of adopting rules which are technologically neutral so the marketplace can decide which technology is best suited to meet the Commission’s intended purposes. The sentence also serves to place language in the rules which is consistent with the Commission’s preemption statements in paragraphs 104-105 of the *Report & Order*, i.e., that it does not want state actions to burden nationwide implementation of E911 services.

### **III. PSAPs’ Ability to Utilize Phase I Data Elements and Cost Recovery**

Section 20.18(f) should be amended by separating into two subsections the conditions which must be met before covered carriers are required to comply with Phase I requirements.

Two explanatory notes should also be added. The complete text of proposed Section 20.18(f) should be as follows:

(f) The requirements set forth in paragraphs (d) and (e) of this section shall be applicable only if (i) the administrator of the designated Public Safety Answering Point has requested the services under those paragraphs and is capable of receiving and utilizing the data elements associated with the service, and (ii) a mechanism for recovering the costs of the service is in place.

Note to section (f)(i): Among other methods, a Public Safety Answering Point shall be deemed capable of receiving and utilizing the data elements associated with the service if it is capable of providing E911 service for wireline calls.

Note to section (f)(ii): A mechanism for recovering the costs of service may include, in whole or in part, any carrier-imposed charge for the costs of providing wireless E911 service.

Rationale for note to section (f)(1): Many PSAPs erroneously believe they will have to replace their existing infrastructures to be able to receive and utilize the data elements associated with Phase I E911 service. In part, some confusion may have been caused by language in paragraph 63 of the *Report & Order* which suggests that PSAPs will have to make significant investments in equipment in order to make Phase I wireless E911 services available. The language proposed above is intended to make it clear to PSAPs that there may be numerous methods to implement Phase I requirements, not all of which require carriers, LECs or PSAPs to upgrade their equipment. Approximately 85% of all PSAPs currently have the capability to provide E911 services for wireline calls. Phase I solutions for wireless E911 exist today which are fully compatible with PSAPs' wireline E911 infrastructures. Express language such as that proposed in this note will eliminate confusion PSAPs have with regard to what constitutes the ability to receive and utilize data elements associated with Phase I wireless E911 service.

Rationale for note to section (f)(ii): Cost recovery may be the single largest factor causing delay in implementing Phase I service. There has been almost unanimous agreement that it is critical for carriers to be allowed to recover the costs of providing wireless E911 service. Paragraphs 89 and 90 of the *Report & Order* focused on cost recovery being primarily related to actions taken by state and local authorities. To date, state and local efforts at

promulgating reasonable cost recovery mechanisms have been proceeding slowly resulting in the distinct possibility that Phase I implementation deadlines may not be met by the timetables established by the Commission. The language in this note is intended to acknowledge that in addition to state and/or local efforts at adopting cost recovery mechanisms, carriers may recover "their own" costs. This is consistent with the Commission's view expressed in paragraph 89 that it did not intend on precluding any cost recovery mechanism from being implemented. Expressly acknowledging that private, carrier-instituted cost recovery is permissible will tend to speed the deployment of Phase I services since there will be additional, easily administered options for carriers to recover their costs.

#### **IV. Semi-Annual Reporting**

Despite the fact that the Commission has required signatories to the Consensus Agreement and other parties to prepare and submit reports to the Commission on certain aspects of the wireless 911 rules, the Commission should impose a requirement that these parties submit reports to the Commission every 6 months commencing with the anniversary date of the effective date of the *Report & Order*. The report should provide the Commission with information on the status of deployment of wireless E911 service throughout the nation. This will ensure that all parties affected, as well as the Commission, have the most current information on Phase I implementation. This will enable the Commission to respond promptly to any technology or policy obstacles related to Phase I and Phase II requirements.

## **V. Empirical Data for Phase II Implementation**

XYPOINT suggests that the results of Phase I implementation will provide the Commission and industry with valuable empirical data on the effectiveness of the wireless E911 rules in general. XYPOINT submits that an effective way of implementing wireless E911 rules may be to clarify the rules as stated herein to ensure the Phase I services are deployed as quickly and efficiently as possible. The Commission should then analyze and evaluate the results of Phase I nationwide to assist with the development of specific implementation guidelines of Phase II.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Reuven M. Carlyle", with a long horizontal flourish extending to the right.

Reuven M. Carlyle  
Vice President

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REGISTER CHART OF STATE E9-1-1 LAWS

STATE <sup>1</sup>	LAND LINE FUNDING <sup>2</sup>	WIRELESS FUNDING <sup>2</sup>	FUNDING AUTHORITY	ADEQUATE WIRELESS INDEMNITY <sup>3</sup>	RELATED LEGISLATIVE ACTIVITY <sup>4</sup>
<b>Alabama - E</b> Code of Ala. §§ 11-98-1 <i>et seq.</i>	<b>Local</b> surcharge: NTE <sup>5</sup> 5% maximum tariff rate; NTE \$2.00 if population < 25,000.	Not specified in statute.	Board of Commissioners for each emergency telephone district upon public majority vote--Code of Ala. § 11-98-5	N	Y
<b>Alaska - E</b> Alaska Stat. § 29.35.131	<b>Local</b> surcharge: NTE \$.50/access line if population > 100,000 and NTE \$.75/access line if population < 100,000.	Not specified in statute.	Municipality by resolution or ordinance--Alaska Stat. § 29.35.131	Y	N
<b>Arizona</b> ARS § 42-1472; ARS § 12-713	<b>State</b> tax: NTE 1.50% of provider's gross sales or income derived from providing exchange access services.	Not specified in statute.	Director of the Department of Administration to recommend yearly to Joint Legislative Tax Committee--ARS § 42-1472	Y	Y
<b>Arkansas - E</b> Ark. Stat. Ann. §§ 12-10-302 <i>et seq.</i>	<b>Local</b> surcharge: NTE 5% or NTE 12% if population < 15,000 of tariff rate.	Not specified in statute.	Governing authority to set after public majority vote within political subdivision--Ark. Stat. Ann. § 12-10-318	C	Y

<sup>1</sup> "E" indicates state has mandated enhanced emergency number service.

<sup>2</sup> Charges are per month unless otherwise specified. Status of surcharges for wireless are based on all laws in effect in 1996; therefore, current legislation may change status.

<sup>3</sup> Y = Yes; N = No; C = Needs Clarification.

<sup>4</sup> Any legislative activity associated with immunity, surcharges, fund administration, or studies are noted. For specific reference to legislative initiatives see "1997 E9-1-1 Activity Chart"

<sup>5</sup> "NTE" = Not To Exceed



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<b>California - E</b> Cal Rev & Tax Code §§ 41001 <i>et seq.</i> ; Cal Gov Code §§ 53100 <i>et seq.</i>	<b>State</b> surcharge on intrastate calls: Minimum .50% Maximum .75%	<b>State</b> assessment same as wireline.	State-wide statutory rate--Cal. Rev. & Tax Code § 41020, 41030	N	Y
<b>Colorado</b> CRS §§ 29-11-101 <i>et seq.</i>	<b>Local</b> surcharge: NTE \$.70/service user.	Not specified in statute.	Governing body by ordinance or resolution--CRS. § 29-11-102	N	Y
<b>Connecticut - E<sup>6</sup></b> Conn. Gen. Stat. §§ 28-24 <i>et seq.</i>	<b>State</b> E-911 Telecom Fund NTE \$.50/access line.	<b>State</b> E-911 Telecom Fund NTE \$.50/wireless access line.	Public Utility Control to determine each year--Conn. Gen. Stat. § 16-256g & § 28-30a	C	N
<b>Delaware - E</b> 16 Del. C. §§ 10001-10005; 16 Del. C. §§ 10101 <i>et seq.</i>	<b>Local</b> surcharge: NTE \$.50/access line.	Not specified in statute.	County by ordinance--16 Del. C. § 10103	N	N
<b>Florida - E<sup>7</sup></b> Fla. Stat. § 365.171	<b>Local</b> surcharge: NTE \$.50/access line.	Not specified in statute.	Board of County Commissioners by majority vote or referendum--Fla. Stat. § 365.171(13)(a)	C	Y
<b>Georgia - E</b> O.C.G.A. §§ 46-5-135 <i>et seq.</i>	<b>Local</b> surcharge: NTE \$1.50/access line.	Surcharge allowed but amount not specified in statute.	Local governing authority by resolution after majority vote or public hearing--O.C.G.A. §§ 46-5-133, 46-5-134	C	Y
<b>Hawaii - E</b> HRS § 269-16-95; HRS § 321-224	<b>Local</b> surcharge: amount not specified.	Not specified in statute.	Public Utility Commission to approve pursuant to tariff filings--HRS § 269-16.95 (c)	N	Y

<sup>6</sup> Note significant 1996 amendment to statute to provide E9-1-1 services throughout the state by July 1, 1997 pursuant to SB 483, enacted May 31, 1996.

<sup>7</sup> Statewide "goal" of E9-1-1; county expenditures authorized.

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<b>Idaho</b> Idaho Code §§ 31-4802 <i>et seq.</i>	<b>Local</b> surcharge: NTE \$1.00/access line.	Not specified in statute.	County Board of Commissioners by resolution or city ordinance, and 60% voter approval--Idaho Code § 31-4803	Y	N
<b>Illinois</b> 50 ILCS §§ 750/0.01 <i>et seq.</i>	<b>Local</b> surcharge: NTE \$1.25/access line if population > 500,000.	For the purposes of the Act, "telecommunication carrier" does not include a cellular or other mobile communication carrier.	Municipality or county by ordinance or resolution with public majority approval--50 ILCS 750/15.3	C	Y
<b>Indiana - E</b> Ind. Code Ann. §§ 36-8-16-1 <i>et seq.</i>	<b>Local</b> surcharge: NTE 3% of average monthly access line charge in a county that has a consolidated city or at least one 2nd-class city. NTE 10%/access line in a county that does not have a consolidated city or a 2nd-class city.	Not specified in statute.	County fiscal body or legislative body of county municipality by ordinance--Ind. Code Ann. § 36-8-16-5, 36-8-16-6	C	N
<b>Iowa - E</b> Iowa Code § 34A.1	<b>Local</b> surcharge: NTE \$1.00.  <b>Local</b> alternative surcharge: NTE \$2.50/access line for 24 months, if approved by voters.	Not specified in statute.	E9-1-1 Joint Service Board determines after majority approval of public--Iowa Code § 34A.6, 34A.6A	Y	Y
<b>Kansas</b> KSA §§ 12-5301 <i>et seq.</i>	<b>Local</b> surcharge: NTE \$.75/access line.	Wireless service users shall be exempt from the emergency telephone tax.	Board of County Commissioners or governing body by ordinance or resolution with public majority approval where petitioned--KSA § 12-5302	C	N

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<b>Kentucky</b> KRS §§ 65.750 <i>et seq.</i>	<b>Local</b> surcharge: amount not specified in statute.	Not specified in statute.	City, county, or urban-county government--KRS § 65.760	N	N
<b>Louisiana - E<sup>8</sup></b> La. R.S. §§ 33:9104 <i>et seq.</i> ; La. R.S. §§ 45:791, <i>et seq.</i>	<b>Local</b> surcharge: NTE \$1.00/wireless access line for residential and NTE \$2.00/access line for business. <sup>9</sup>  <b>Local</b> surcharge: NTE 5%/access line if served by more than one supplier.	<b>Local</b> surcharge: NTE \$1.00/wireless access line for residential and NTE \$2.00/wireless access line for business. <sup>10</sup>  <b>Local</b> surcharge: NTE 5%/wireless access line if served by more than one supplier. <sup>11</sup>	Governing authority of each communications district by public majority vote--La. R.S. § 33: 9106B, 33: 9131B	C	Y
<b>Maine - E</b> 25 M.R.S. §§ 2921 <i>et seq.</i>	<b>Statewide</b> surcharge: \$.20 per access line.	<b>Statewide</b> surcharge: \$.20 per access line.	State-wide statutory rate--25 M.R.S. § 2927(1-A)	N	Y
<b>Maryland - E</b> Md. Ann. Code art. 41 §§ 18-101 <i>et seq.</i>	<b>State</b> surcharge: \$.10/access line.  <b>Local</b> surcharge: NTE \$.50/access line.	<b>State</b> surcharge: \$.10/wireless access line.  <b>Local</b> surcharge in addition: \$.50/wireless access line.	State-wide statutory rate--Md. Ann. Code art. 41, § 18-105(b)	Y	N

<sup>8</sup> E9-1-1 service in parishes of Assumption, Caddo and Jefferson only. All E9-1-1 is implemented on county basis.

<sup>9</sup> Assumption Parish pursuant to La. R.S. 33:9131; Caddo Parish pursuant to Louisiana HB 224, approved May 7, 1996.

<sup>10</sup> Assumption Parish pursuant to La. R.S. 33:9131; Caddo Parish pursuant to Louisiana HB 224, approved May 7, 1996..

<sup>11</sup> Assumption and Jefferson parishes only pursuant to La. R.S. 33:9126 and 33.9131.

STATE <sup>1</sup>	LAND LINE FUNDING <sup>2</sup>	WIRELESS FUNDING <sup>2</sup>	FUNDING AUTHORITY	ADEQUATE WIRELESS INDEMNITY <sup>3</sup>	RELATED LEGISLATIVE ACTIVITY <sup>4</sup>
<b>Massachusetts - E</b> Mass. Ann. Laws ch. 6A § 18A	<b>State</b> surcharge on directory assistance.	Not specified in statute.	Secretary of Public Safety to assess after consultation with Department of Public Utilities--Mass. Ann. Laws. ch 6A § 18F, ch 159, § 19A	N	Y
<b>Michigan</b> MSA §§ 22.1467(101)	<b>Local</b> surcharge: NTE 4% highest monthly flat rate for one-party access line; county may assess up to 16% by ballot.	Not specified in statute.	County Board of Commissioners (4%) or majority vote of county (16%)--MSA § 22.1467(401)	C	Y
<b>Minnesota - E</b> Minn. Stat. §§ 403.01 <i>et seq.</i>	<b>State</b> surcharge: \$.08-\$.30/access line plus for E9-1-1 funding: \$.08-\$.30/access line.	<b>State</b> surcharge: \$.08-\$.30/wireless access line for E9-1-1 funding. No surcharge on wireless service for E9-1-1 pursuant to Minn. Stat. § 403.113 Subd. 1(a).	Commissioner of Administration with approval of Commissioner of Finance for basic 9-1-1 and in consultation with counties and system users for E9-1-1--Minn. Stat. §§ 403.11, 13.	N	N
<b>Mississippi - E<sup>12</sup></b> Miss. Code Ann. §§ 19-5-301 <i>et seq.</i>	<b>Local</b> surcharges: \$1.00/residential wireless access line; \$2.00/commercial wireless access line or if current charge is 5% of the tariff rate, the new collection shall be \$.80/residential wireless access and \$1.60/commercial wireless access line.	<b>Local</b> surcharges: "Cellular to be treated the same as land line.	County Board of Supervisors--Miss. Code Ann. § 19-5-313	N	Y
<b>Missouri</b> R.S.Mo. §§ 190.300 <i>et seq.</i>	<b>Local</b> tax NTE 15% of tariff local service rate or \$.75/access line whichever is greater or counties may, if approved by voters, impose a 1% sales tax.	Not specified in statute.	Governing body (legislative body for city or county) with majority public vote--R.S. Mo. § 190.305, 320, 335	C	Y

<sup>12</sup>County > 15,000 shall deploy E9-1-1 if approved by voters.

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<b>Montana</b> Mont. Code Ann. §§ 10-4-101 <i>et seq.</i>	<b>State</b> surcharge: \$.25/access line.	Not specified in statute.	State-wide statutory rate--Mont. Code Ann. § 10-4-201	N	Y
<b>Nebraska - E</b> R.R.S. Neb. §§ 86-1001 <i>et seq.</i>	<b>Local</b> surcharge: NTE \$.50/access line; increase by \$.50/access line if metropolitan city in county.	Not specified in statute.	Governing body (Board of County Commissioners, City Council, etc.) and by public hearing for metropolitan class areas--R.R.S. Neb. § 86-1003	C	Y
<b>Nevada</b> Nev. Rev. Stat. Ann. §§ 244A.7641 <i>et seq.</i>	<b>Local</b> surcharge: County property tax.	Not specified in statute.	Board of Metropolitan Police upon initial or subsequent public majority approval--Nev. Rev. Stat. § 244A.775	N	N
<b>New Hampshire - E</b> RSA §§ 106-H:1 <i>et seq.</i>	<b>State</b> surcharge: amount not specified in statute.	Not specified in statute.	Bureau of Emergency Communications through PUC and budgetary process--N.H. Rev. Stat. Ann. § 106-H:9	N	N
<b>New Jersey - E</b> N.J. Stat. §§ 52:17C-1 <i>et seq.</i>	<b>State:</b> General Fund	Not specified in statute.	No direct surcharge/appropriations--N.J. Stat. § 52:17C-12, 13	C	N
<b>New Mexico - E</b> N.M. Stat. Ann. §§ 63-9D-1 <i>et seq.</i>	<b>State</b> Enhanced 911 Fund. Funds collected by local exchange phone companies at \$.25 for 911 emergency surcharge plus \$.26 for network and database surcharge/access line. <b>Local</b> additional surcharge may be imposed.	Not specified in statute.	State-wide statutory rate--N.M. Stat. Ann. § 63-9D-5	Y	Y
<b>New York - E</b> NY CLS County §§ 300 <i>et seq.</i>	<b>Local</b> surcharge NTE \$.35/access line.	<b>Statewide</b> \$.70/access line surcharge collected by local service suppliers to fund special revenue for state police 911-related costs.	Local governing board--NY CLS County § 303	N	Y

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<b>North Carolina - E</b> N.C. Gen. Stat. §§ 62A-1 <i>et seq.</i>	<b>Local</b> surcharge: amount not specified in statute.	Not specified in statute.	Governing authority of local government by ordinance by majority public vote or public hearing--N.C. Gen Stat. § 62A-4	C	Y
<b>North Dakota - E</b> N.D. Cent. Code §§ 57-40.6-01 <i>et seq.</i>	<b>Local</b> surcharge NTE \$1.00/access line; E9-1-1 database charges authorized but amount not specified.	Not specified in statute.	Governing authority of local government by resolution by majority public vote--N.D. Cent. Code § 57-40.6-02	C	Y
<b>Ohio</b> ORC Ann. §§ 4931.40 <i>et seq.</i>	<b>Local</b> surcharge NTE \$.50/access line.	Not specified in statute.	Public Utility Commission in tariff schedules--ORC Ann. § 4931.47, 52	C	Y
<b>Oklahoma</b> 63 Okl. St. §§ 2801 <i>et seq.</i>	<b>Local</b> surcharge NTE 15% of tariff rate/ access line.	Not specified in statute. <sup>13</sup>	Governing body by ordinance or resolution with majority public approval--63 Okl. St. § 2814	C	N
<b>Oregon - E</b> ORS §§ 401.710 <i>et seq.</i>	<b>State</b> Emergency Communications Account Fund tax of \$.75/access line.	<b>State</b> Emergency Communications Account Fund tax of \$.75/wireless access line.	Statewide statutory rate--1981 Or. Laws § 533	Y	N
<b>Pennsylvania -</b> 35 P.S. §§ 7011 <i>et seq.</i>	<b>Local</b> fee NTE \$1.00-\$1.50/access line depending on county classification.	Not specified in statute.	County Commissioners subject to public meeting--35 PS §§ 7012, 7016	C	Y
<b>Rhode Island</b> R.I. Gen. Laws §§ 39-21-1 <i>et seq.</i>	<b>State</b> surcharge: \$.47/exchange line.	Not specified in statute.	State-wide statutory rate--R.I. Gen. Laws § 39.21.1-14	C	Y

<sup>13</sup> 1995 OK SB 1270 enacted May 20, 1996: "The Statewide Emergency 911 Advisory Committee shall, in developing its recommendations pursuant to Section 2818.3 of Title 63 of the Oklahoma Statutes, consider the presumption that all providers of dial tone [including wireless] are obligated to participate in the provision of 911 service and its funding."

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STATE <sup>1</sup>	LAND LINE FUNDING <sup>2</sup>	WIRELESS FUNDING <sup>2</sup>	FUNDING AUTHORITY	ADEQUATE WIRELESS INDEMNITY <sup>3</sup>	RELATED LEGISLATIVE ACTIVITY <sup>4</sup>
<b>South Carolina - E</b> S.C. Code Ann. §§ 23-47-10 <i>et seq.</i>	<b>Local</b> surcharge: : \$.75-\$1.50/subscriber for start-up costs; \$.50-\$1.00/subscriber for on-going costs.	Not specified in statute.	Local government through ordinance--S.C. Code Ann. § 23-47-40	C	Y
<b>South Dakota - E</b> S.D. Codified Laws §§ 34-45-1 <i>et seq.</i>	<b>Local</b> surcharge NTE \$.75/access line  <b>State</b> Coordination Fund: \$.01/access line <sup>14</sup>	Cellular contained in definition of exchange access line.	Governing body of public corporation by ordinance--S.D. Codified Laws §§ 34-45-2, 4	Y	Y
<b>Tennessee - E</b> Tenn. Code Ann. §§ 7-86-101 <i>et seq.</i>	<b>Local</b> emergency communications districts collect levy NTE \$.65/residential user and \$2.00/business user.	Not specified in statute.	Board of Directors of emergency district with legislative hearing and, with increases, approved by majority public vote--Tenn. Code Ann. § 7-86-108	N	Y
<b>Texas</b> Tex. Health & Safety Code §§ 771-001 <i>et seq.</i>	<b>State</b> Advisory commission fee NTE \$.50/access line for regional planning district and .013% surcharge per intrastate long-distance customer.  <b>Local</b> communications districts fees according to population: Over 2,000,000 NTE 3%/user Over 860,000 NTE 3%/user Over 20,000 NTE 6%/user.	Not specified in statute.	Advisory Commission on State Emergency Communications--Tex. Health & Safety Code § 771-071, 072	C	Y
<b>Utah</b> Utah Code Ann. §§ 69-2-1 <i>et seq.</i>	<b>Local</b> surcharge: NTE \$.50/access line.	\$.50/wireless access line.	Governing authority for public agency providing 9-1-1--Utah Code Ann. § 69-2-5	C	N
<b>Vermont - E</b> 30 V.S.A. §§ 7051 <i>et seq.</i>	<b>State</b> enhanced 911 fund.	<b>State</b> enhanced 911 fund.	Statewide statute via legislative appropriations--30 V.S.A. § 7054	Y	N

<sup>14</sup>For counties not collecting charges.

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<b>Virginia - E</b> Va. Code Ann. § 58.1-3813	<b>Local</b> tax.	<b>Local</b> tax.	County, city, or town authority--Va. Code Ann. § 58.1-3813(A)	N	Y
<b>Washington - E</b> RCW 38.52.500 <i>et seq.</i> ; RCW 82.14B.020 <i>et seq.</i>	<b>Local</b> tax NTE \$.50/access line. <b>State</b> fee \$.20/access line	County tax NTE \$.25/wireless access line.	County authority and statewide statute--RCW § 82.14B.030	C	Y
<b>West Virginia - E</b> W. Va. Code § 7-1-3cc; W. Va. Code §§ 24-6-1 <i>et seq.</i>	<b>Local</b> fee (amount not specified).	Not specified by statute.	County Commission--W. Va. Code § 7-1-3cc	C	Y
<b>Wisconsin - E</b> Wis. Stat. § 146.70	<b>Local</b> levy of \$.25-\$1.00/access line depending on size of population.	Not specified in statute.	County authority by ordinance--Wis. Stat. § 146.70(3), (8)	C	N
<b>Wyoming</b> Wyo. Stat. §§ 16-9-102 <i>et seq.</i>	<b>Local</b> charge NTE \$.50/access line.	Not specified in statute.	Governing body through ordinance or resolution--Wyo. Stat. § 16-9-103	N	N



# WIRELESS E9-1-1 COST RECOVERY OVERVIEW

STATE	WIRELINE CURRENT FUNDING <sup>1</sup>		WIRELESS CURRENT FUNDING		PROPOSED WIRELESS FUNDING		WIRELESS COST <sup>2</sup>
	LOCAL	STATE	LOCAL	STATE	LOCAL	STATE	RECOVERY
Alabama	5% / \$2.00						I
Alaska	\$0.50-0.75						I
Arizona		1.5%				1.5%*	I / U
Arkansas	5-12%					\$0.50	I / S
California*		0.5-0.75%		0.5-0.75%τ			U
Colorado	\$0.70				\$0.70		I / S
Connecticut*		\$0.50		\$0.50			U
Delaware	\$0.50						I
Florida	\$0.50					\$0.50	I / S
Georgia	\$1.50				Funding Study		I
Hawaii*	Tariffs						I
Idaho	\$1.00						I
Illinois	\$1.25					\$0.95-1.25*	I / U
Indiana	3-10%						I
Iowa	\$1-2.50					\$1.00	I / U
Kansas	\$0.75						S
Kentucky	Fee Not Specified						I
Louisiana	5% / \$1-2.00		5% / \$1-2.00		\$1-2.00		U / U
Maine		\$0.20		\$0.20			I
Maryland	\$0.50	\$0.10	\$0.50	\$0.10			U
Massachusetts*		Directory Assistance					I
Michigan	4-16%				Funding Study		I
Minnesota		\$0.08-0.30				\$0.08-0.30	I / U
Mississippi	\$0.80-2.00		\$0.80-2.00		\$1-2.00		U / U
Missouri	15% / \$0.75						I
Montana*		\$0.25		\$0.25τ		\$0.30	U / U
Nebraska	\$0.50						I
Nevada	County Tax						I
New Hampshire*		Tariffs				Not Specified	I / S
New Jersey		General Fund					I

\* These states utilize their respective public utilities commissions in the administration of 9-1-1 either through tariffs or state statute.

τ These states have instituted E9-1-1 surcharges on wireless subscribers without express statutory authority.

<sup>1</sup> Percentages figures are percentages of local exchange carrier tariffs. Dollar figures are surcharge amounts levied on subscribers per access line.

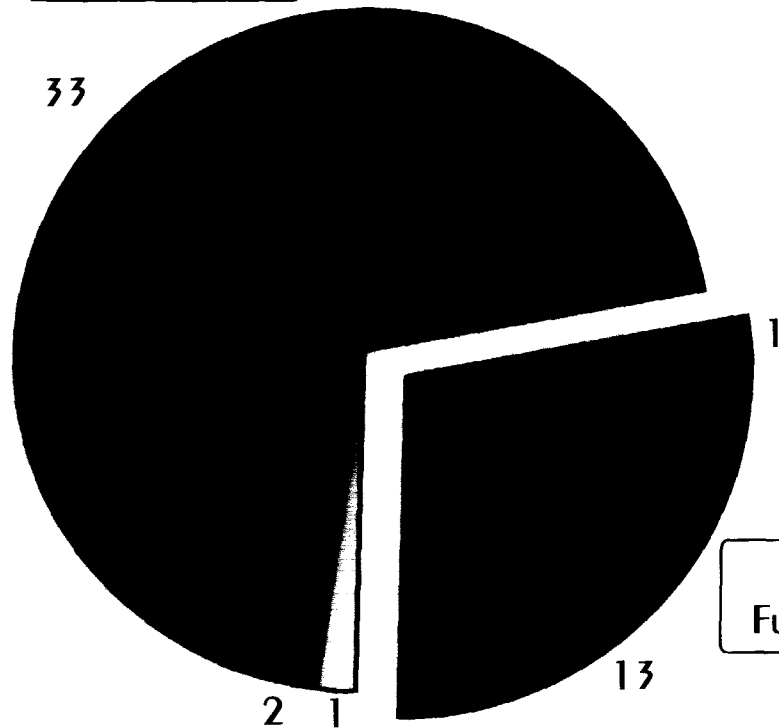
<sup>2</sup> S = "Sufficient" R&O Cost Recovery; I = "Insufficient" R&O Cost Recovery; U = "Uncertain" R&O Cost Recovery. "Insufficient" states provide insufficient authority for a public agency to reimburse or pay wireless carriers for all cost associated with the implementation of enhanced 9-1-1 under the Federal Communication Commission's Report and Order (R&O), CC Docket No. #94-102 (July 26, 1996). The "uncertain" states generally authorize funding for public safety agencies but do not expressly authorize the reimbursement of R&O expenses of wireless carriers. "Sufficient" states have statutes that are sufficiently broad or explicitly authorize R&O-type cost recovery. Two entries are provided for states with existing statutes and proposed legislation each of which is noted respectively.

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STATE	WIRELINE CURRENT FUNDING <sup>1</sup>		WIRELESS CURRENT FUNDING		PROPOSED WIRELESS FUNDING		WIRELESS COST <sup>2</sup>
JURISDICTION	LOCAL	STATE	LOCAL	STATE	LOCAL	STATE	RECOVERY
New Mexico		\$0.26+\$0.25			Eliminates Funding		I
New York	\$0.35			\$0.70	Local Option		U / U
North Carolina	Fee Not Specified						I
North Dakota	\$1.00					\$0.50	I / S
Ohio*	\$0.50						I
Oklahoma	15%						I
Oregon		\$0.75		\$0.75			U
Pennsylvania	\$1-1.50				\$1-1.50		U / U
Rhode Island		\$0.47				\$0.47	I / I
South Carolina	\$0.50-1.50						I
South Dakota	\$0.75		\$0.75				U
Tennessee	\$0.65-2.00				Funding Study		I
Texas	Regional: \$0.50 + 0.013%					\$0.35	I / S
Utah	\$0.50		\$0.50				U
Vermont		General Fund		General Fund			U
Virginia	Tax		Tax		Funding Study		U
Washington	\$0.50	\$0.20	\$0.25			\$0.20	U / U
West Virginia	Fee Not Specified					\$0.75*	U / U
Wisconsin	\$0.25-1.00						I
Wyoming	\$0.50						I

# LACK OF CLEAR R & O COST RECOVERY

36 Wireline  
Funding Only



14 Wireless  
Funding Source

➡ No state has specific wireless R & O cost recovery

➡ 36 states have wireline statutory authority only for cost recovery

- 33 have insufficient authority
- 2 have uncertain authority
- 1 has sufficient authority

➡ 14 states have wireless funding

- 1 prohibits R & O cost recovery
- 13 have uncertain authority

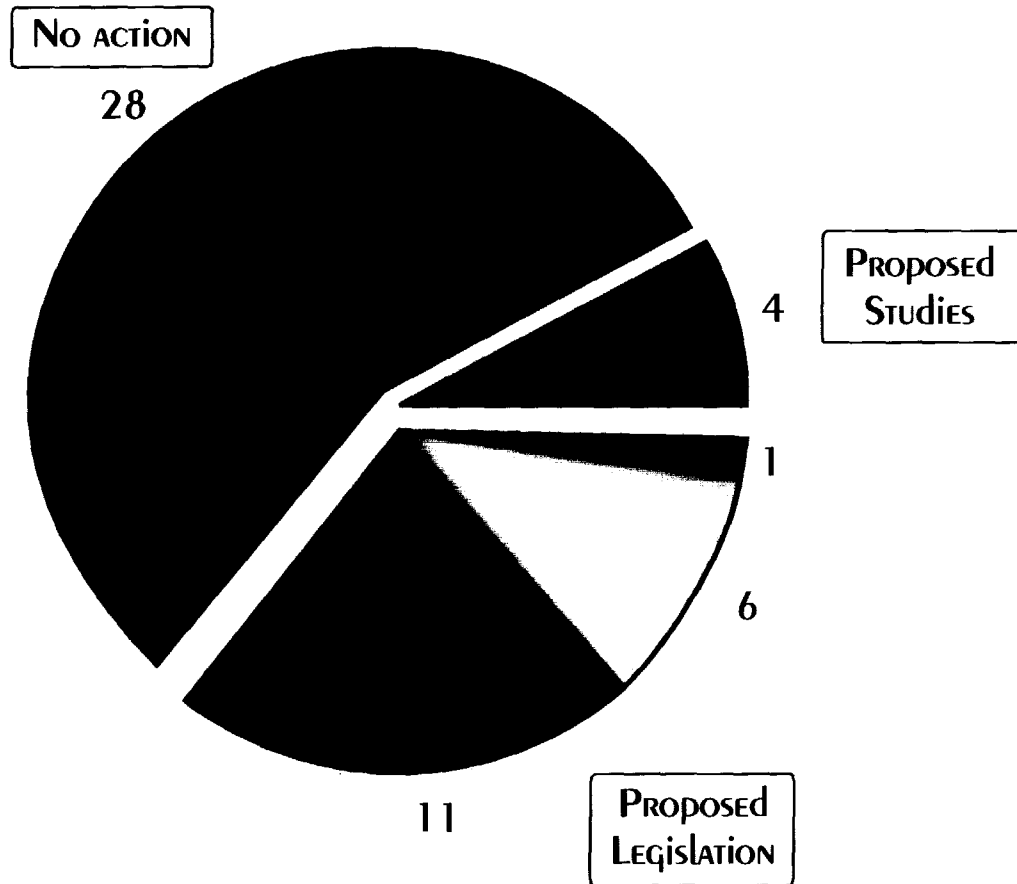
R & O COST RECOVERY

Insufficient

Uncertain

Sufficient

# 1997 PROPOSED R & O COST RECOVERY



➡ No state has specific R & O cost recovery authority

➡ 18 states have proposed wireless funding sources

- 1 has insufficient R & O authority
- 11 have uncertain R & O authority
- 6 have sufficient R & O authority

➡ 4 have proposed studies

➡ 28 states have no wireless R & O legislation Pending

## R & O COST RECOVERY

Insufficient

Uncertain

• Sufficient

# 1997 E9-1-1 ACTIVITY CHART

STATE	LEGISLATION	SUBJECT MATTER	LAST ACTION	
Alabama Alaska Arizona	<b>House Bill 2018</b> (Amends § 12-713)	Qualified Immunity	Introduced Defeated	01/13/97 02/05/97
	<b>Senate Bill 1130</b>	Technical Bill--renumbers § 42-1472 as 42-5252	Introduced Engrossed	01/23/97 02/28/97
	<b>Senate Bill 1441</b> (Amends § 42-1471)	Amends language for collection of 9-1-1 excise tax to include wireless	Introduced	02/04/97
Arkansas	<b>House Bill 1042</b> (Amends § 12-10-318(a)(1))	Sets Tariff Rate for Small Counties (size of pop. less than 25,000)	Introduced Enacted (Act 106 of 1997)	01/13/97 02/06/97
	<b>House Bill 1641</b> (Amends § 12-10-318(a)(1) & 323(6))	Sets Tariff Rate for Small Counties (size of pop. less than 27,500); amended version allows counties to decide the amount assessed; amended version II adds the authorization of expenditures for supplies, equipment, vehicles and services	Introduced (To amend Act 106 of 1997) Amended Amended	02/11/97 02/27/97 03/06/97
	<b>Senate Bill 54 (New Act)</b>	"Basic Local Service" includes E9-1-1 services; this section not affected by amendments	Introduced Amended Enacted	01/15/97 01/22/97 02/04/97
	<b>House Bill 1737</b> (Adds § 12010-323(a))	Authorizes expenditure for supplies, equipment, vehicles, and services to support 9-1-1	Introduced	02/17/97
	<b>House Bill 1990</b> (Amends § 12-10-303)	Adds Commercial Mobile Radio Service to list of definitions; adds wireless surcharge of \$.50 and wireless immunity; revises fee schedule	Introduced	03/04/97
	<b>House Concurrent Resolution 1018</b>	Funding study	Introduced	03/07/97
	<b>Assembly Bill 984</b>	Bars competing 9-1-1 systems	Introduced	02/27/97
	<b>Assembly Bill 1198</b>	Establish 3-1-1 pilot program and prohibit 9-1-1 abuse	Introduced	02/28/97
California				

STATE	LEGISLATION	SUBJECT MATTER	LAST ACTION	
Colorado	Senate Bill 132 (Amends § 29-11-100, et seq.)	Wireless E9-1-1 Implementation & Cost Recovery; wireless surcharge of \$.70; immunity of emergency service providers; revised version contains no substantive changes;	Introduced	01/24/97
			Revised	03/07/97
Connecticut	House Bill 6715 (Substitutes § 16a-110)	Adds to CIO duties to ensure State-Wide Implementation of the 9-1-1 and E9-1-1 Systems	Introduced	02/14/97
Delaware	Senate Res. 53	E9-1-1 Funding Study	Introduced	01/17/97
Florida				
Georgia	House Res. 488	Same as Senate Res. 53	Introduced	03/14/97
	Senate Bill 237 (Amends § 46-5-134)	Adds to list of approved disbursements from Emergency Telecom. System Fund; amended version contains no substantive change	Introduced Amended	02/07/97 03/03/97
Hawaii	House Bill 812 (Amends § 35-8-23)	Bars surcharge without TDD compliance by 1998; no substantive changes in amended version	Introduced Substituted	02/28/97 03/13/97
	Senate Bill 379 (Adds § 46-5-139)	Public safety agency response & notification	Introduced	03/11/97
	House Bill 2146 (Amends § 269-16.95)	Extends E9-1-1 cost recovery beyond first year through surcharge or "next rate case"; amended version contains no substantive changes;	Introduced Amended	01/24/97 02/27/97
	Senate Bill 1814	Same as H.B. 2146; amended version contains no substantive changes;	Introduced Amended	01/24/97 02/28/97
	Senate Bill 1249 (New Act)	Allows wireless E9-1-1 system upgrade funded by general obligation bonds	Introduced	01/21/97
	Senate Bill 1373	Same as S.B. 1249	Introduced	01/22/97
Idaho	Senate Bill 1034 (Amends § 31-4803)	Technical Bill--voting time	Introduced	01/23/97

STATE	LEGISLATION	SUBJECT MATTER	LAST ACTION	
Illinois	House Bill 617 (Amends § 750/15.3-1)	Establishes state wireless E9-1-1 fund and imposes wireless local surcharge of \$.95	Introduced	02/06/97
	Senate Bill 761 (Amends § 750/1)	Establishes "9-1-1" as primary emergency number	Introduced	02/07/97
	House Bill 1837 (Amends § 750/15.4)	Changes in membership make up of the Emergency Telephone System Board	Introduced	03/06/97
Indiana				
Iowa	Senate Bill 120 (Amends § 34A.6A)	Extends alternative surcharge another year	Introduced	02/11/97
	House Bill 392	Same as S.B. 120	Introduced	02/28/97
	Senate Bill 343 (Amends § 34A.15)	Imposes wireless surcharge of \$1.00	Introduced	03/06/97
	Senate Bill 469	Same as Senate Bill 343	Introduced	03/12/97
	House Bill 588	Same as Senate Bill 343	Introduced	03/13/97
Kansas				
Kentucky				
Louisiana	House Bill 238 (Amends § 33:9102(B))	Allen Parish - Expands definition of Service User to include wireless; Service User surcharge NTE \$1.00 for residential line and NTE \$2.00 for business line; Immunity until ANI & ALI are provided	Prefiled	02/17/97
	House Bill 300	Same as H.B. 238 but applies to Bossier Parish	Prefiled	02/25/97
	House Bill 356	Same as H.B. 238 but applies to Calcasieu Parish	Prefiled	03/01/97
	House Bill 659	Same as H.B. 238 but applies to Acadia Parish	Prefiled	03/20/97
Maine	L.D. 325, H.P. 325 (Repeals § 2928, sub-§ 2)	Confidentiality Repealed	Introduced	01/23/97
	L.D. 976, H.P. 712 (Amends § 2925 & 2930)	Immunity; Adds wireless service representative to E9-1-1 Council	Introduced	02/11/97
	L.D. 1387, H.P. 995 (New act)	Funding for 9-1-1 communications centers	Introduced	03/05/97
	L.D. 325, H.P. 261 (New act)	Confidentiality	Introduced	01/23/97
Maryland				
Massachusetts	Senate Bill 373 (New Act)	Logan Airport PSAP	Introduced	01/01/97

STATE	LEGISLATION	SUBJECT MATTER	LAST ACTION	
Michigan	Committee	Wireless E9-1-1 Implementation	No recommendations to date	
Minnesota	House Bill 1374 (Amends § 403.13)	Mandates PSAPs	Introduced	03/10/97
	Senate Bill 1117 (Amends § 403.13)	Mandates PSAPs	Introduced	03/10/97
	House Bill 1551 (Amends § 403.113)	Assesses a wireless fee of \$.08-\$.30	Introduced	03/13/97
Mississippi	Senate Bill 1312	Same as H.B. 1551	Introduced	03/13/97
	Senate Bill 2147 (Amends § 19-5-313)	Mandates Fee Levy (\$1 Wireless and Residential)	Prefiled	12/26/96
	Senate Bill 2394 (Amends § 19-5-313)	Same as S.B. 2147	Introduced	01/18/97
	House Bill 1566 (Amends § 19-5-313)	Immunity	Introduced	01/22/97
	House Bill 1694 (Amends § 19-5-313)	Immunity	Introduced	01/22/97
	Senate Bill 2970 (Amends § 19-5-313)	Immunity	Introduced	01/21/97
	Senate Bill 3007 (Amends § 19-5-313)	Immunity	Introduced	01/21/97
Missouri	House Bill 96 (Amends § 610.150)	Confidentiality	Prefiled Introduced	12/05/96 01/08/97
	House Bill 95 (Amends § 190.308)	9-1-1 Misuse	Prefiled	12/05/96
	House Bill 443 (New Act)	Establish 9-1-1 Oversight Committee for statewide access	Introduced	01/28/97
	Senate Bill 364 (Amends § 650.325 & 330)	Establish 9-1-1 Oversight Committee	Introduced	02/06/97
	House Bill 816 (Amends § 190.309)	Any county may establish an Emergency Telephone Service 911 Board regardless of population	Introduced	03/06/97



STATE	LEGISLATION	SUBJECT MATTER	LAST ACTION	
Montana	<b>Senate Bill 36</b> (Amends § 10-4-101 & 301)	Technical language changed	Introduced <b>Enacted</b>	01/06/97 03/12/97
	<b>House Bill 166</b> (Amends § 10-4-301)	Diverts 6.91% of 9-1-1 Surcharges to General Fund	Introduced	01/06/97
	<b>House Bill 210</b> (Amends § 10-4-201)	E9-1-1 Implementation; adds 25 cent fee for Basic 9-1-1 service for wireless and 30 cents for E9-1-1 service for both landline and wireless; these sections unchanged in amended versions	Introduced Amended Engrossed	01/09/97 01/25/97 02/12/97
Nebraska	<b>Legislative Bill 37</b> (Amends § 86-1003)	Allows surcharge revisions for cross-jurisdictional areas	Introduced	01/09/97
	<b>Legislative Bill 104</b> (Amends § 86-1003)	Allows surcharge revisions for metropolitan areas	Introduced	01/09/97
Nevada				
New Hampshire	<b>House Bill 653</b> (Amends RSA § 106-H:10)	Phone number location database	Amended	03/19/97
	<b>House Bill 726</b> (Amends RSA § 106-H:8, 9 & 15)	Adds wireless surcharge	Amended	03/19/97
New Jersey				
New Mexico	<b>Senate Bill 850</b> (Amends § 63-9A-3)	Adds 9-1-1 and E9-1-1 to definition of "Universal Service" to include 911 and E9-1-1	Introduced	02/18/97
	<b>Senate Bill 1167</b> (Amends § 63-9D-5)	Abolishes the 9-1-1 emergency surcharge; leaves in place \$.26 surcharge for network and database and transfers balance of E9-1-1 fund to network fund	Introduced	02/20/97
New York	<b>1995 Assembly Bill 10777</b> (Amends § 300)	Small County Cost Recovery; this § unchanged in amended version	Introduced Amended	05/28/96 07/09/96
	<b>Senate Bill 5206</b>	Same as A.B. 10777	Amended Amended	05/28/96 07/03/96
	<b>Assembly Bill 3203</b> (Amends § 309)	Allows local use of funds where state does not operate wireless service	Introduced	01/30/97
	<b>Senate Bill 3207</b>	Same as A.B. 3203	Introduced	03/04/97
North Carolina	<b>House Bill 149</b> (Amends § 62A-7)	Deposits all charges into Special Revenue Fund	Introduced Enrolled	02/13/97 03/19/97